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**FEB 09 2006**

**OFFICE OF PETITIONS**

In re Application of  
Giulio Brinati et al.  
Application No. 08/885,770  
Filed: June 30, 1997  
Attorney Docket No: JAP-70453

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: **DECISION ON PETITION**  
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This is a decision on the petition filed in the alternative under 37 CFR 1.137(b), on September 14, 2005, to revive the above-identified application.

The petition filed December 2, 2005 was in response to a decision dismissing a petition to withdraw the holding of abandonment. The petition seeking reconsideration of that decision alternatively sought revival of the abandoned application if the abandonment could not be withdrawn.

In view of Technology Center 1713 advising that the request for reconsideration has been granted, there is no need to treat the petition alternatively under 37 CFR 1.137(b) and thus is **DISMISSED** as involving moot issues. The petition fee in the amount of \$1500.00 will be credited back to deposit account no. 01-2300.

Additionally, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

This matter is being referred to Technology Center 1713 for continued examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
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cc:

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